

Crystal L. Cox
Attorney Pro Se
Civil No. CV 11-0057 HZ

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Portland Division

OBSIDIAN FINANCE GROUP, LLC and
KEVIN D. PADRICK,

Civil No. CV 11-0057 HZ

Plaintiffs,

V.

Crystal L. Cox, Defendant

**DEFENDANTS' OPPOSITION TO
Plaintiff's MOTION FOR Sanction
Against Defendant Crystal L. Cox
Regarding Montana Deposition**

Pro Se Defendant Crystal L. Cox opposes Plaintiff's Motion To Sanction and Objects to paying any of David Aman, Attorneys Fees to his trip to Montana to Depose "Ms. Cox" without her agreement, and with her in fear of her life.

I, Pro Se Defendant Crystal L. Cox, once again Object to the fees that David Aman is insisting that I pay for a trip to Montana that was not of my choice nor based in law in any way.

Pro Se Defendant Crystal Cox was NOT given a good faith notice to appear at a deposition. Pro Se defendant Cox never agreed to a deposition in the State of Montana. Defendant researched laws and felt she was not legally bound to attend a deposition that was NOT court ordered.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick had been in contact with men and woman in the State of Montana that have threatened to harm and intimidate Defendant Cox. (Sean Boushie, Gary Crandall, and Others.)

Defendant Cox did not agree to a deposition in Montana because she, I feared for my life. David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick had been in conversations with these people and even asked for my emails and phone calls with them. Sean Boushie had posted pictures of my then partner on his blog, he claimed to be going to my trial in Oregon to intimidate me and that he was working with Aman to bring me down. I literally feared being at a non-court ordered deposition in Montana, that I would not live through it.

The Plaintiff, Kevin Padrick and his Attorney David Aman have been in contact with Sean Boushie for nearly a year, I feared they would harm me, or even kill me. This is not conspiracy theory, this man has threatened and intimidated me for years. And he took his blog down the

hour after Judge Hernandez told me, and David Aman in a hearing for a motion to Exclude Sean Boushie from the Court Room that he (Judge Hernandez) was turning this information over to the FBI. David Aman contacted Sean Boushie to tell him of the investigation and to take the blog down, there is no other reason, no one else knew of the Hearing with Judge Hernandez that fast.

I am under the impression that there is currently an FBI investigation as to the intimidation of a Pro Se Defendant by Sean Boushie and by the Plaintiff's Attorney David Aman. There was no way I felt safe in attending a deposition in Montana, and then David Aman tried to force a Deposition in Bend Oregon, of which I objected to as well for I wanted the safety of the Federal Building in Portland and the Court Clerk to be present for my own safety.

Thankfully this request was stopped by Judge Hernandez's Court Clerk in an email stating that my deposition would be as the court had scheduled it, the day before the Trial.

Pro Se Defendant researched the laws best to her ability and was under the impression that it was not law that she had to go to a deposition that was not court ordered. Defendant was and is in fear of her life from Plaintiff Kevin Padrick and his Attorney David Aman of Tonkon Torp as they have both been in contact with a man that has threatened to kill her. This man, Sean Boushie was excluded from the trial and Judge Hernandez claimed, at this phone hearing to be sending information to the FBI on this man threatening to intimidate me and in conjunction with David Aman, Tonkon Torp as Sean Boushie said on his blog that he was working with Aman to take me down.

I received notice of the deposition days before they allegedly showed up in Montana. I have no proof that they actually were in MT. I was at a medical proceeding with my then life partner. There was no way to attend those days. So I did not agree to those dates. Also I, defendant was waiting to be served a court order to attend the deposition, as it is not law to go to a deposition unless court ordered and again I was in fear of my life.

At my, Defendant Cox's, Forced, Court Deposition in Portland Oregon in Judge Hernandez's court, I pro se Defendant refused to answer questions of where I went to High School, my business of over a decade ago and questions on my Search Engine Reputation Business which ALL had NOTHING legal to do with the Post I was on Trial for. I refused to answer on the grounds that it was not about the **ONE Post I was on Trial for** and David Aman, had Judge Marco Hernandez's court Clerk go get Judge Marco Hernandez. And then, off the record, no court recorder at all going, yet the video guy, the court clerk, the woman taking the deposition recording, myself and David Aman were all in the room. And, Off the Record, Judge Marco Hernandez violated my rights and discriminated against me and made me answer questions that were unrelated to this post and in which David Aman, Plaintiff Attorney used at my trial against me and Out of Context. I objected to mention of the emails between David Aman and myself and Judge Marco Hernandez agreed that the emails were not relevant, this is why I did not testify after I told Judge Marco Hernandez that I wanted to read my documents of source. It was agreed that the emails, Exhibit 33 were not relevant would not be introduced, yet David Aman still slipped them into the trial, all violating my rights to a fair trial.

Judge Marco Hernandez allowing the emails into the closing statement and me not testifying has caused a worldwide backlash on me as David Aman accuses me of Extortion. I told Judge Marco Hernandez in his court room that I objected, as this had a criminal accusation to it and Judge Marco Hernandez said he is not accusing you of a crime and if he does just plead the fifth. So I had NO Rights and now that email is all over the world, and again my rights were

violated as that email was presented in bad faith, and the date of that email was January 19th, 5 days after David Aman filed a 10 Million Dollar Lawsuit against me. Yet apparently during the last year there were meetings with David Aman and Judge Hernandez talking about me Extorting them, when that simply did not happen. All this without Judge Hernandez signing a conflict of interest form in which I asked for over and over and was denied that right to fairness and equality.

During the last year David Aman sent me many emails, he called Settlement Communications. Even after I was granted a Summary Judgement on ObsidianFinanceSucks.com, David Aman still wanted the site and for me to claim that Mark Neuman and Stephanie DeYoung were responsible for that post and David Aman wanted me to pay \$5000 every time I mentioned the Plaintiff's name, even though I was granted Summary Judgement. This is not Extortion apparently, yet when I make an offer to negotiate a deal to make the lawsuit, the cease and desiste go away, well that is called blackmail and extortion by David Aman of Tonkon Torp who continues to harass me and accuse me of crimes to this day.

David Aman is somehow assissting reporters to gain access to my personal bank account and calling people to try and set me up for extortion, meanwhile David Aman is filing more sanctions against me, harassing me, demanding years of information that he is not legally entitled to and no one holds David Aman, Tonkon Torp attorney accountable for his bullying, lies, and harassment that is not based in law. David Aman, Plaintiff Attorney has no right to information on my personal life and even with a 2.5 Million dollar judgement, David Aman has no right to information on my finances before the date of the subject post or the Trial day, yet David Aman continues to pressure me, harass me, threaten me and discriminate against me.

The Plaintiff, nor his attorney had to answer my question, discovery, nor did they have to have a deposition though I wanted to depose them. I was discriminated against Judge Marco Hernandez as a Pro Se Defendant, as a Woman, and I believe as a Out Lesbian. Judge Hernandez ruled that I had to give all documents, phone records, emails and more and for years AND at the same time did not require the same of the Plaintiff. Discrimination at every turn, I had no equal rights and no right to a fair and impartial trial.

I was attacked and discriminated against for an entire year and it does not seem to end.

I will be filing a Judicial Complaint against Judge Marco Hernandez for the issues in this Opposition, and more. And in 2012 I will be filing a discrimination and civil lawsuit against Judge Marco Hernandez personally and professionally as well as the Oregon Courts. As I have been discriminated against, my life put in danger, and made to give documents and do things that the Plaintiff was not made to do. This Montana Deposition is another example of endangering my life and violating my rights.

Judge Marco Hernandez has discriminated against me, Pro Se Defendant during this trail proceeding. The day before my Trial Judge Marco Hernandez told the Plaintiff they could have another day to call a witness, the alleged bank VP the judge said was afraid of Ms. Cox's wrath. I was not given extra time to call a witness. Judge Marco Hernandez also said at this hearing that David Aman, Plaintiff attorney could not call David Brown as a witness to simply state a loss and that they had to prove a loss, yet magically the next day all David Brown and Obsidian Finance Group had to do was to "State a Loss". As if Judge Hernandez had not said what he said the day before, and I am not even sure what was on the record and what was off the record

the day before the trial at the hearing and my court ordered deposition.

I brought over 500 documents of proof of my source for the post I was on trial for and they were denied, called here say, yet all Plaintiff had to do was say they lost millions, pay an Oregon CPA to say the post was false and none of that was here say.

Judge Marco Hernandez told the jury that it did not matter if I had actual malice or not and that was not based in law what so ever. Judge Marco Hernandez stripped me of my defense, my constitutional rights and discriminated against me over and over in a way that was NOT based in fact and law.

Judge Marco Hernandez seen proof of me being a publisher, proof of me having an independent product as he saw tons of my blog postings that are an independent product. Yet still claimed Shield Laws, Retraction Laws, the Sullivan Case ... none applied to me, again violating my rights. I have had Nakai Publishing ISBN numbers since 1996, I have published 2 books and have over 30 ISBN numbers registered to me, I am a publisher. not require plaintiff to give life and documents only me

Judge Marco Hernandez deciding that I must pay travel, video and deposition expenses to a deposition that was not court ordered, I was not served and I was in fear for my life as I have told Judge Marco Hernandez - this is discriminating, violates my constitutional, civil and human rights and put my life in danger.

It is common knowledge and on the federal government bankruptcy websites that ALL bankruptcy cases are of public record, yet Judge Hernandez said I was not writing on a public figure or a matter of public concern in a \$40 Million Dollar Oregon Bankruptcy, with a Trustee who was under contract with the Debtor and then as an Insider, became a Trustee. Judge Hernandez has been exposed to enough information by me that he should order an investigation on Obsidian Finance Group, and Kevin Padrick yet instead the discrimination and judgements are against me.

I gave Judge Marco Hernandez proof that Kevin Padrick, David Brown and Obsidian Finance Group were and are Public Figure. They are involved in Public Solar Tax Credits using public funds, they do business in many states and have been involved in legal battles in other states, yet for some reason not deemed of Public Concern.

Judge Marco Hernandez claims, in his legal opinion that I am the only one with Issue with Obsidian Finance Group, even though I supplied the court with an Objection to the Fees, Videos, Depositions, information on Lake County Residents, other lawsuits and More in which showed there were others and that I was simply reporting the story of others concerned with the actions, activities of Obsidian Finance Group and Kevin Padrick.

Judge Marco Hernandez ignored all this.

Judge Marco Hernandez knows that David Aman, Plaintiff Attorney has asked for information, emails and phone records from men that have threatened me, I told Judge Marco Hernandez

this and my rights are ignored. Meanwhile Judge Marco Hernandez forces me to produce documents and does not make the Plaintiff produce documents.

Judge Marco Hernandez said before the trial that if I testify it opens up my state of mind and therefore David Aman should not enter posts from ObsidianFinanceSucks.com and not enter the email that was a Settlement Negotiation between me and David Aman, 2 attorneys on the 19th of January, 5 days after the lawsuit was filed and in effort to make an agreement and not spend a year of my life fighting David Aman.

Judge Marco Hernandez has enough information to suspect bankruptcy fraud and yet Judge Marco Hernandez does not call for an investigation.

Judge Marco Hernandez has "judged" that I pay for a deposition that I did not agree to and that my life was in danger at. This is not lawful.

Judge Marco Hernandez has refused to sign a Conflict of Interest Form, of which, by law I am entitle to in order to ensure a fair trial.

"Judicial Cannons

Canon 1. A Judge Should Uphold the Integrity and Independence of the Judiciary

[1.1] Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

Canon 2.

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

(A) A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

[2.2][2A] The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge. Because it is not practicable to list all prohibited acts, the proscription is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules or other specific provisions of this Code. The test for appearance of impropriety is whether the conduct would create in

reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.

Canon 3.

A Judge Should Perform the Duties of the Office Impartially and Diligently

(B) Adjudicative responsibilities.

(I) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

(2) A judge shall require order and decorum in proceedings before the judge.

(D) Disciplinary responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action.

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Code of Professional Responsibility shall take appropriate action.

(3) Acts of a judge in the discharge of disciplinary responsibilities are part of a judge's judicial duties.

(E) Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned

[3.11][3B(6)(e)] A judge may delegate the responsibilities of the judge under Canon 3B(6) to a member of the judge's staff. A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Section 3B(6) is not violated through law clerks or other personnel on the judge's staff. This provision does not prohibit the judge or the judge's law clerk from informing all parties individually of scheduling or administrative decisions.

[3.21][3E(1)] Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.

[3.22][3E(1)] A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.

Canon 4. A Judge May Engage in Extra-Judicial Activities To Improve the Law, the Legal System, and the Administration of Justice

Canon 5. A Judge Should Regulate Extra-Judicial Activities To Minimize the Risk of Conflict with Judicial Duties “

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick has lied to the courts on the cooperation level of Pro Se Defendant Crystal L. Cox . David Aman, Attorney for Plaintiff

Obsidian Finance Group, Kevin Padrick has not cooperated in good faith.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick has not complied with Local Rule 7-1 (a) and FRCP 37(a) which requires a party to engage in a good faith effort to resolve a discovery dispute prior to filing a motion to sanction. The phone records of Pro Se Defendant Crystal L. Cox will show that David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick called Pro Se Defendant Crystal L. Cox 2 hours before he emailed Pro Se Defendant Crystal L. Cox the filing of the Motion to Sanction in which David Aman, Pro Se Defendant Crystal L. Cox had already been filed with the Oregon Courts.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick did not attempt to resolve ANY discovery issues with Pro Se Defendant, Investigative Blogger Crystal L. Cox .

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick simply created a phone record to make it seem that David Aman, Tonkon Torp LLP, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick had made a good faith effort when David Aman clearly had not.

The Motion Should be Denied.

Right now, for undisclosed reasons David Aman and Plaintiff Kevin Padrick are spending money to fly to LA to meet my new attorney to talk of a settlement, when I have another attorney in Portland. They are wasting thousands on this trip, yet want me to pay for the trip to Montana that I did not agree to.

David Aman, Counsel for Plaintiff Obsidian Finance Group, Kevin Padrick has NOT made "numerous" "good faith" attempts to work with Pro Se Defendant, Investigative Blogger Crystal L. Cox in any way. David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick has harassed Pro Se Defendant Crystal L. Cox and has engaged in conversation with men who have threatened the life of Pro Se Defendant Crystal L. Cox.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick has lied to the courts on defendant's cooperation level. David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick has not made one effort to provide a document, statement of fact, declaration or any documentation as to the proof of the Subject Post that is the only Material Fact in this case, and to whether that Material Fact is True or Defamation.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick knows that his client Kevin Padrick of Obsidian Finance Group is a Public Figure and has the Burden of Proof in this Case and Yet David Aman provides no proof, nor has David Aman Counsel for Plaintiff ever asked defendant to retract subject post of material fact, or provided documents of proof in any way, yet David Aman Tonkon Torp Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick continues to harassingly file court documents to get blanket judgements against defendant with no fact as to if the Subject Post is True or Not.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick is not just any

attorney. David Aman deposed Stephanie DeYoung about Pro Se Defendant, Investigative Blogger Crystal L. Cox and David Amans knows that Oregon CPA, Summit Bankruptcy Insider Stephanie DeYoung's blog is a source of Pro Se Defendant, Investigative Blogger Crystal L. Cox's subject blog post that is still material fact in this case. David Aman was involved in the Summit Bankruptcy and had knowledge that Kevin Padrick was an insider and legally not able to be a Trustee and David Aman as well as the Tonkon Torp law firm will lose millions and possibly be indicted if the Department of Justice, FBI, SEC or Attorney General would acknowledge and investigate the cover ups and corruption surrounding the Summit 1031 Bankruptcy.

David Aman, Attorney for Plaintiff Obsidian Finance Group, Kevin Padrick also Represented Obsidian Finance Group, Kevin Padrick in Judicial Proceeding (**Judicial Proceeding Case No. 08-37031 rld11** ~ Objection to **Attorney & Professional Fee** of Obsidian Finance Group LLC: Trustee, Kevin Padrick and Tonkon Torp, LLC) .

Attached to this motion is the Sean Boushie Blog up until Nov. 9th, a posting on Sean Boushie's blog of Nov. 10th saying he would email Mr. Aman, the trial documents this court denied me to introduce, a memorandum and other attached documents. I believe I was in danger at the MT Deposition that David Aman had set up in order to intimidate and harass me.

Crystal L. Cox

Dated this 1st Day of January 2012

Pro Se Defendant, Investigative Blogger Crystal L. Cox .

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Motion to Exclude to Plaintiff Attorney David Aman, Tonkon Torp At the Following Email Addresses on November 9th, 2011:

To:

mary.costanzo@tonkon.com

david.aman@tonkon.com

steven.wilker@tonkon.com

With a Copy to the Oregon Courts and Electronic Filing Cc:
Michelle_Rawson@ord.uscourts.gov

Crystal L. Cox Defendant Pro Se Civil No. CV 11-0057 HZ